

Customer No. 24498
Attorney Docket No. PU030016
Office Action Date: July 16, 2008

Remarks/Arguments

In the non-final Office Action dated July 16, 2008, it is noted that claims 1-3 and 7-9 are pending; that claims 1, 2, 7, and 9 stand rejected under 35 U.S.C. §102; and that claims 3 and 8 stand rejected under 35 U.S.C. §103.

Cited Art

The following references have been cited and applied as prior art in the present Office Action: U.S. Patent Application Publication No. 2002/0049983 to Bove (hereinafter referenced as "*Bove*"), U.S. Patent 7,006,446 to Anderson (hereinafter referenced as "*Anderson*"), U.S. Patent 7,120,092 to del Prado Pavon (hereinafter referenced as "*del Prado Pavon*"), and U.S. Patent Application Publication No. 2005/0020226 to Mohindra (hereinafter referenced as "*Mohindra*").

Rejection Of Claims 1, 2, 7 and 9 Under 35 USC §102

Claims 1, 2, 7, and 9 stand rejected under 35 U.S.C. §102 as being anticipated by Bove. This rejection is respectfully traversed.

Claims 1, 7, and 9 are independent claims. Claim 2 depends directly from claim 1. Claims 7 and 9 include limitations that are substantially similar to those found in claim 1. In view of the similarities between the limitations in the independent claims, the remarks below will be made with respect to claim 1 and will be understood to pertain equally to claims 7 and 9.

Claim 1 calls for:

An apparatus for wirelessly transmitting and receiving digital video data, comprising:
a means for receiving a time stamp indicating a time of a video transmission;
a means for determining a relative time difference between the time stamp and a previous time stamp;
a means for communicating the relative time difference to a transmitter having as one feature of transmission a time base;
a means for the transmitter to adjust the time base according to the relative time difference.

Bove compares time stamps for two separate and different video and data streams, namely, the image stream and the mask (annotation) stream. *See Bove at ¶ [0083].* Bove performs this comparison in the decompress thread in order to synchronize the display of mask overlays to the image video so that the masks will appear to overlay the associated video images

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exactly. *Ibid.* The time stamp (i.e., time stamp 218) in the mask overlay frame is said to come from Bove's video encoder and is further said to be used to synchronize the mask overlays with the video frames. *See Bove at ¶ [0061].*

Bove's time stamps for the mask overlays are not capable of "indicating a time of video transmission," as defined expressly in the claims 1 and 9. In fact, these time stamps bear no relationship to the actual time of transmission of the mask overlay frame. Instead, they are a reference to specific video frames in the video image stream, a separate and different video stream from the mask overlay stream.

Even if it were to be assumed for the sake of argument that Bove was comparing time stamps from the same video stream, a position with which Applicants neither agree nor acquiesce, Bove fails to teach or suggest comparing the received time stamp with a previous time stamp for determining a relative time difference, as defined in the independent claims. Bove makes it clear that the received time stamp for the mask overlay frame is compared to the "time stamp of the current video [image] frame" so that the mask overlay can be properly matched up with the correct video image. *See Bove at ¶ [0083].*

Bove does not communicate the relative time difference to a transmitter having a time base as one feature of transmission, as defined in the independent claims. Rather, Bove appears to utilize the relative time difference within the digital receiver 54 to determine whether the mask overlay frame matches up with the current video image frame. The relative time difference is determined locally at the digital receiver in Bove without any further broadcast or transmission or communication of the time difference outside the decompress thread shown in Figure 6. It should be noted that the digital receiver, where all time difference computations are performed, is downstream of the transmission channel and lacks any downstream (or even upstream) channels with which it communicates such information. The time difference information is tracked in a software module within the digital receiver by model thread 520 interacting with mask thread 514 to insure that proper information is made available to the display screen 530 at the correct time. *See Bove at ¶ [0086].* But this is not "communicating the relative time difference ..." as defined in the independent claims.

Bove does not teach, show, or suggest the existence of wireless stations with which the digital receiver (where the time stamp comparison takes place) can communicate. Bove does not teach, show, or suggest "transmitting the relative time difference to one or more wireless station

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receivers, wherein each of the one or more wireless station receivers adjusts the time base according to the relative time difference," as defined expressly in claim 7 and, in part, in dependent claim 2. Bove lacks any wireless stations with which a transmitter communicates. Without such wireless stations, there cannot be any time base adjustments by wireless stations. The present Office Action at page 4 appears to agree with this assessment of Bove wherein it is stated that "Bove et al. do not show receiver adjusts a time base according to the relative time difference," in reference to the limitation in claim 3. The limitation in claim 7 is substantially similar to that in claim 3, which is said to be lacking from the teachings of Bove.

Bove does not teach the limitation of having a means for the transmitter to adjust the time base according to the relative time difference. As noted above, Bove does not communicate the relative time difference to a transmitter having a time base. Bove merely uses the time difference in the decompress thread to determine whether the mask overlay frame is synchronized to the video image frame. If it is not, the decompress thread is said to sleep for a time equal to the time difference of the mask overlay and video image time stamps. Bove does not teach either the existence of a time base of any adjustment of a time base.

For all the reasons above, Bove fails to teach, show, or suggest all the limitations in claims 1, 2, 7, and 9.

In light of the remarks above, it is believed that claims 1, 2, 7, and 9 are not anticipated by Bove and would not have been obvious to a person skilled in the art upon a reading of Bove. Therefore, it is submitted that claims 1, 2, 7, and 9 are allowable under both 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection Of Claim 3 Under 35 USC §103

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bove in view of Anderson. This rejection is respectfully traversed.

Claim 3 is dependent from claim 2 and independent base claim 1, both of which are discussed in the section immediately above. The remarks above will not be repeated herein for the sake of brevity.

Anderson has been added to Bove because, as stated in the present Office Action at page 4, "Bove et al. do not show receiver adjusts a time base according to the relative time difference." Even if, *arguendo*, Anderson cures this stated defect in the teachings of Bove, a position with

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which Applicants neither agree nor acquiesce, Anderson does not cure, or even remotely suggest cures, for the remaining defects in Bove discussed above in the immediately preceding section with respect to the independent claims.

The combination of Bove and Anderson lack any teaching, showing, or suggestion of a relative time difference between the time stamp and the previous time stamp, as defined in independent base claim 1. The combination of references lacks any teaching, showing, or suggestion of "a means for communicating the relative time difference to a transmitter" and "a means for the transmitter to adjust the time base according to the relative time difference" and the transmitter communicating "to one or more receivers, the adjusted time base," as defined in claims 1 and 2 from which claim 3 depends. Thus, the combined references of Bove and Anderson fail to teach, show, or suggest all the elements in dependent claim 3.

In light of the remarks above and for all the reasons in the previous section with respect to claims 1 and 2, it is believed that the invention of claim 3 would not have been obvious to a person skilled in the art upon a reading of Bove and Anderson, either separately or combination. Therefore it is submitted that claim 3 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection Of Claim 8 Under 35 USC §103

Claim 8 stands rejected under 35 USC §103 as being unpatentable over Bove in view of del Prado Pavon, and in view of Mohindra. This rejection is respectfully traversed.

Claim 8 is dependent from independent claim 7 and includes all the limitations thereof. The allowability of claim 7 has been discussed above with respect to the Bove reference.

As noted in the prior response, del Prado Pavon appears to be related to clock synchronization in wireless networks. But del Prado Pavon does not cure the defects in the teachings of Bove because del Prado Pavon does not determine a relative time difference between successive time stamps, communicate the relative time difference to a transmitter, and adjust the transmitter time base according to the relative difference, as defined in the independent base claim 7.

Mohindra also fails to cure the deficiencies in Bove and del Prado Pavon. Mohindra appears to be related to cancellation of DC offsets in a high speed communication system. Similar to del Prado Pavon, Mohindra does not even remotely suggest determining a relative time

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difference between successive time stamps, communicating the relative time difference to a transmitter, and adjusting the transmitter time base according to the relative difference, as defined in the base independent claim 7.


In light of the remarks above and for all the reasons given with respect to the independent claims and particularly base independent claim 7 above, it is believed that claim 8 would not have been obvious to a person skilled in the art upon a reading of Bove, del Prado Pavon, and Mohindra, either separately or combination. Therefore it is submitted that claim 8 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible. In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 07-0832.

Respectfully submitted,
John Alan Gervais et al.

By: 
Paul P. Kiel
Attorney for Applicant
Registration No. 40,677

THOMSON Licensing LLC
PO Box 5312
Princeton, NJ 08543-5312

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